

**PUBLIC NOTICE**  
**INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**  
**CITY OF SAN JOSÉ, CALIFORNIA**

**GP03-03-07:** General Plan Amendment request to modify the San Jose 2020 General Plan Land Use/Transportation Diagram designation from Medium Density Residential (8-16 Dwelling Units per Acre (DU/AC) on 7.7 acres and Light Industrial on 2.57 acres to Public Park/Open Space on 10.27 acres on a segment of Union Pacific Railroad Valley Transportation Authority railroad right-of-way located between Interstate 280 and Shortridge Avenue and apply the Transit Mall designation on 10.0 acres along Valley Transportation Authority right-of-way on both sides of 28<sup>th</sup> Street between Shortridge Avenue and Julian Street on a 21.8-acre site.

**GPT03-03-07** General Plan Text amendment to delete a 0.43-mile segment of the Five Wounds/Brookwood Terrace Scenic Trail located between Shortridge Avenue and Julian Street from the Scenic Routes and Trails Diagram.

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **June 18, 2003**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **June 18, 2003** and ends on **July 7, 2003**.

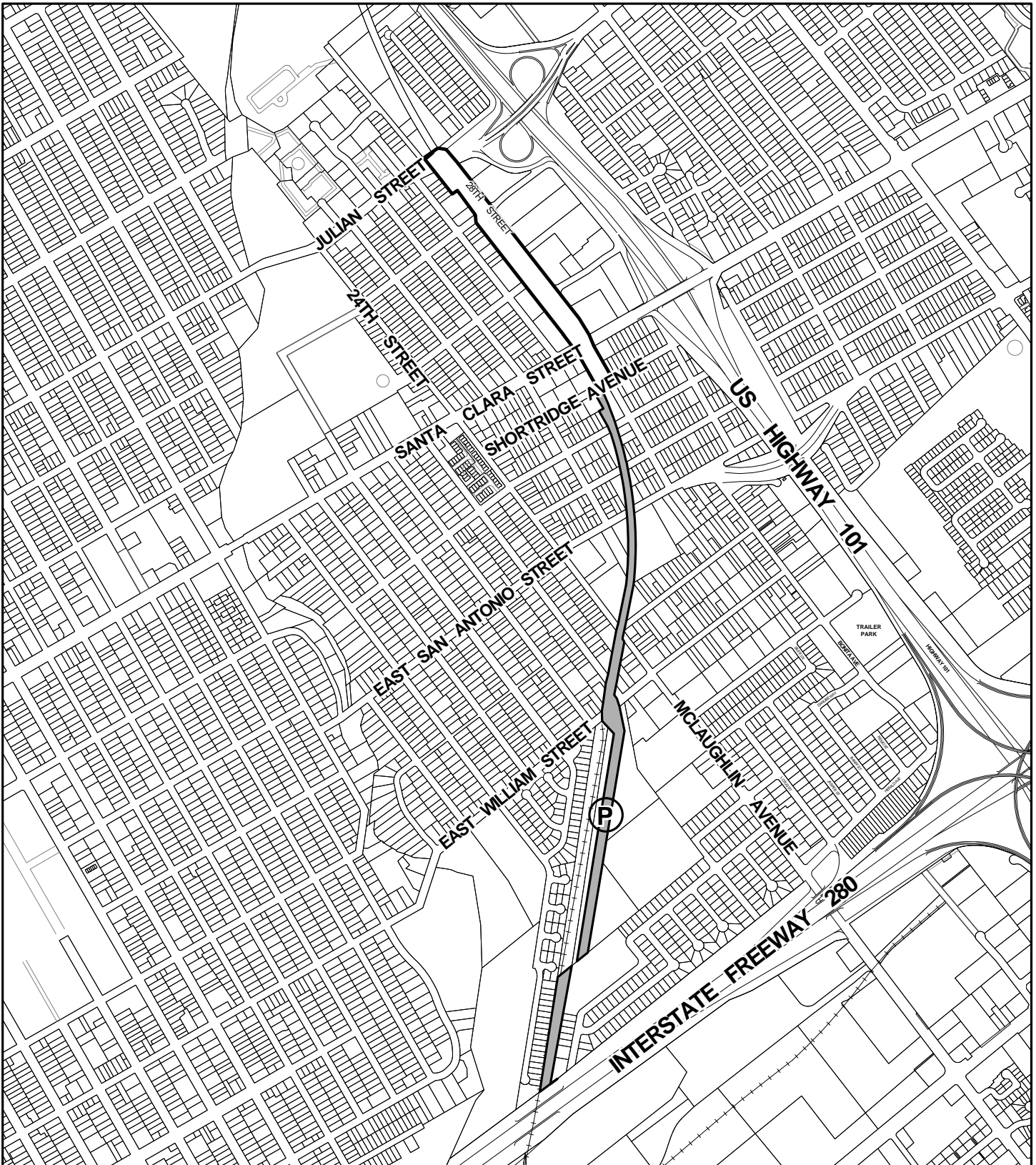
A public hearing on the project described above is tentatively scheduled for **July 28, 2003 at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, San Jose, CA 95110 and the East SJ Carnegie Branch Library, 1102 E. Santa Clara St., San Jose, CA 95116, and online at [www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm](http://www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm). Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Bill Scott** at (408) 277-8553.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: June 17, 2003

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Deputy

# GP03-03-07 and GPT03-03-07



Department of Planning, Building  
and Code Enforcement  
Planning Services Division



Public Park/Open Space



Transit Mall Designation



N

Scale 1" = 1,100'  
Quad: 67, 83

**DRAFT**  
**MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** General Plan Amendment

**PROJECT FILE NUMBER:** GP03-03-07/GPT03-03-07

**PROJECT DESCRIPTION:**

**GP03-03-07:** General Plan Amendment request to modify the San Jose 2020 General Plan Land Use/Transportation Diagram designation from Medium Density Residential (8-16 Dwelling Units per Acre (DU/AC) on 7.7 acres and Light Industrial on 2.57 acres to Public Park/Open Space on 10.27 acres on a segment of Union Pacific Railroad Valley Transportation Authority railroad right-of-way located between Interstate 280 and Shortridge Avenue and apply the Transit Mall designation on 10.0 acres along Valley Transportation Authority right-of-way on both sides of 28<sup>th</sup> Street between Shortridge Avenue and Julian Street.

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**EXISTING SETTING:** The project site is a segment of railroad right-of-way extending from the Coyote Creek Park Chain at Interstate 280 on the southerly end to Julian Street to the north. The major portion of the site is surrounded by the residential neighborhoods within Five the Wounds/Brookwood Terrace Plan area. Small clusters of industrial uses are located along portions of the right-of way. Commercial uses abut the site along East Santa Clara Street and the amendment site traverses a small commercial cluster at 24<sup>th</sup>-McLaughlin and William Street. The Five Wounds Church is to the east, on the north side of East Santa Clara Street. McKinley Elementary School and Martin Park are adjacent to the east, south of William Street. The project site abuts two the Coyote Creek Park chain at the southerly end.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** Portion of Union Pacific Railroad and Valley Transportation Authority owned railroad right-of-way located between Interstate 280 and Julian Street. Various APN's.

**COUNCIL DISTRICT:** 3

**NAME OF APPLICANT:** City of San Jose

**MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:** City of San Jose, Planning, Building, Code Enforcement, Attention: Bill Scott, Project Manager, 801 N. First St. Rm. 400; San Jose, CA 95110-1287 (408) 277-8553.

## **FINDING**

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

## **MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL**

1. Urban Design Policy #1: The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character.
2. Riparian Corridor and Upland Wetlands Policy #4: New development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.
3. Urban Design Policy #17: Development adjacent to creekside areas should incorporate compatible design and landscaping including plant species which are native to the area or area compatible with native species.
4. Soils and Geologic Condition Policy #9: Development proposed on property formerly used for agriculture or heavy industrial uses should incorporate adequate mitigation/ remediation for soils contamination as recommended through the development review process.
5. The project will conform to the City of San Jose's National Pollutant Discharge Elimination System (NPDES) permit to reduce impacts on storm water quality from construction and post construction.
6. The project is compatible with the environmental goals and policies of the San Jose 2020 General Plan.
7. The project will conform to the City's General Plan noise guidelines.
8. Adequate municipal services are available to serve the project.

## **PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **July 7, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$50 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: June 17, 2003

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Deputy

Adopted on: \_\_\_\_\_

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Deputy